

FISCAL NOTE
HB 2990 - SB 3151

February 16, 2002

SUMMARY OF BILL: Provides, notwithstanding any law to the contrary, the juvenile court retains continuing jurisdiction over the placement of a child including, but not limited to specific foster care, residential treatment or program placement of a child. Under current law the court does not have authority to make or order specific placement of children rather the court order places the child in the custody of the Department of Children's Services and empowers the department to select specific placement.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact:

- (1) May subject the state to penalties for violation of court agreements. The amount of such penalties if imposed is estimated to be significant.**
- (2) Jeopardizes federal funding estimated at \$20,000,000 in the first year.**

Estimate assumes:

- The Department of Children's Services is budgeted in FY02-03 for \$41,000,000 in federal funds under Title IV-E of the Social Security Act. Giving the juvenile court responsibility for the placement of children rather than the Department of Children's Services will place the department out of compliance and prevent children from qualifying for federal funds under Title IV-E. The first year decrease is estimated to be approximately \$20,000,000.
- The settlement agreement in *Brian A. v. Sundquist* provides that certain placements are preferred when the Department of Children's Services is placing foster children. If children are placed outside of the agreement by the juvenile court, the department may be placed in contempt of the settlement agreement.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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